

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WARREN R. PAUL,
Petitioner,
v.

CSATF CORCORAN STATE PRISON,
Respondent.

Case No. [18-cv-02632-JSC](#)

ORDER OF TRANSFER

Petitioner, a California prisoner proceeding pro se, filed a petition for a writ of habeas corpus. Petitioner is located at California State Prison in Corcoran, California ("Corcoran"). He complains about the conditions of his confinement at Corcoran.

"Federal law opens two main avenues to relief on complaints related to imprisonment: a petition for habeas corpus, 28 U.S.C. § 2254, and a complaint under the Civil Rights Act of 1871, Rev. Stat. § 1979, as amended, 42 U.S.C. § 1983. Challenges to the lawfulness of confinement or to particulars affecting its duration are the province of habeas corpus." *Muhammad v. Close*, 540 U.S. 749, 750 (2004)). "An inmate's challenge to the circumstances of his confinement, however, may be brought under § 1983." *Hill v. McDonough*, 547 U.S. 573, 579 (2006). Where the prisoner files a habeas petition attacking the conditions of his confinement, a federal court may construe it as a civil rights action under 42 U.S.C. § 1983. *See Wilwording v. Swenson*, 404 U.S. 249, 251 (1971); *Nettles v. Grounds*, 830 F.3d 922, 936 (9th Cir. 2016) (en banc).

As Petitioner challenges the conditions of his confinement, his claims must be brought in a civil rights complaint under Section 1983, not in a habeas petition. The proper venue for such a complaint is the Eastern District of California (where Corcoran is located) because that is where the events or omissions giving rise to Petitioner's claims took place, and where the officials who are allegedly responsible for violating his rights are located. *See* 28 U.S.C. § 1391(b) (venue is

1 proper in the district in which the defendants reside or a substantial part of events or omissions
2 giving rise to the claim occurred). Rather than dismiss this case without prejudice to refiling it as
3 a civil rights action in the Eastern District of California, which is the proper venue, the Court will
4 transfer the case to the Eastern District. The Eastern District will determine whether to construe
5 the petition as a civil rights complaint or to require Petitioner to file a new complaint.

6 Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this case is
7 TRANSFERRED to the United States District Court for the Eastern District of California.

8 The Clerk of the Court shall transfer this matter forthwith.

9 **IT IS SO ORDERED.**

10 Dated: June 6, 2018

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13 JACQUELINE SCOTT CORLEY
14 United States Magistrate Judge
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NORTHERN DISTRICT OF CALIFORNIA

WARREN R. PAUL,
Plaintiff,

v.

CSATF CORCORAN STATE PRISON,
Defendant.

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CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 6, 2018, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Warren R. Paul ID: C-83228
California State Prison
P.O. Box 5244
G-2 D-20-1-Low "3
Corcoran, CA 93212

Dated: June 6, 2018

Susan Y. Soong
Clerk, United States District Court

By: 
Ada Means, Deputy Clerk to the
Honorable JACQUELINE SCOTT CORLEY